

10400 Eaton Place
Suite 312
FAIRFAX, VA
Phone: (703) 385-5200
Fax: (703) 385-5080

KEATING & BENNETT LLP

2834

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To: Examiner Budd

From: Christopher A. Bennett

Fax: 703-872-9318

Date: July 18, 2003

Phone: 703-308-3929

Pages: 8

Re: 10/090,805

CC:

36856.649

•Comments:

Examiner Budd,

Please find attached the following documents for Application No. 10/090,805:

1. Request for Reconsideration;
2. Terminal Disclaimer;
3. Credit card form payment in the amount of \$110.00;
4. Petition for three-month extension of time; and
5. Credit card form payment in the amount of \$930.00.

Respectfully submitted,



Christopher A. Bennett
for
KEATING & BENNETT, LLP
(Registration Number: 46,710)

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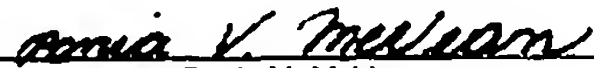
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to
Group Art Unit 2822, 703-872-9318, addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

Date: July 18, 2003


Sonia V. McVean

PATENT
36856.649**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michio KADOTA	Art Unit: 2834
Serial No.: 10/090,805	Examiner: M. Budd
Filed: March 6, 2002	
Title: SURFACE ACOUSTIC WAVE DEVICE AND COMMUNICATION APPARATUS	

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 24, 2003, the period for response to which has been extended to July 24, 2003, by the accompanying Petition for Three-Month Extension of Time, please reconsider the above-identified application in view of the following remarks.

Claims 15-17 are pending in this application.

Claims 15-17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,429,569.

Applicant submits herewith a Terminal Disclaimer which disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of commonly owned U.S. Patent No. 6,429,569.

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Serial No. 10/090,805
July 18, 2003
Reply to the Office Action dated January 24, 2003
Page 2 of 2

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 15-17 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a Three-month extension of time, extending to July 24, 2003, the period for response to the Office Action dated January 24, 2003.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: July 18, 2003


Attorneys for Applicant

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT LLP
10400 Eaton Place, Suite 312
Fairfax, VA 22030
Telephone: (703) 385-5200
Facsimile: (703) 385-5080